



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,803	01/10/2001	Tim Schnell	911.009US1	7353

21186 7590 02/21/2002

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER

BLACKMAN, ROCHELLE ANN J

ART UNIT PAPER NUMBER

2851

DATE MAILED: 02/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/757,803

Applicant(s)

SCHNELL, TIM

Examiner

Rochelle Blackman

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-9, 11, 12, 14-18, 19-20, and 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over House et al., U.S. Patent No. 5,878,283 in view of Nakai et al., U.S. Patent No. 5,666,582 and Reidt et al., U.S. Patent No. D439,591.

House discloses "a motion detector camera"(see 10 of FIG. 1); "a housing"(see body of 10 in FIG. 1); "attachment features"(see 11 of FIG. 1); "an film advance mechanism"(see 26 of FIG. 1); "a wide angle lens"(see 18 of FIG. 1); "a motion detector"(see "MOTION DETECTOR CKT" in FIG. 9) "a flash"(see 12 of FIG. 1); "a controller"(see 22 of FIG. 1 and col. 9, lines 7-19); "a test light"(see 29 of FIG. 1 and col. 9, lines 1-2); "a counter"(see 24 of FIG. 1); and a housing that is "substantially waterproof"(see col. 14, lines 35-45). The methods of "controlling a motion detector" and "taking a picture" along with dependent claims and features and functions of the claimed elements are similarly met by the features and functions of the above mentioned elements.

House does not appear to disclose a housing having "a mounting member in a bottom surface for mounting the housing to a tripod"; a motion detector "attached to a front surface of the housing" or "exposed on a front surface of the housing".

Nakai teaches that it is known to provide "a camera casing, including a tripod connecting member"(see 1, 2, and 5 of FIG. 1) and Reidt teaches that it is known to provide a motion sensor on the front of a housing (see FIGS. 1, 2, and 8). Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to provide the housing of the House reference with a mounting member for a tripod and provide the motion detector of the House reference visibly on the front surface of the housing of the motion detector camera of the House reference, since tripod mounting members and locations of motion detectors are well known in the art.

2. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over House et al., U.S. Patent No. 5,878,283 in view of Nakai et al., U.S. Patent No. 5,666,582, Reidt et al., U.S. Patent No. D439,591, and Korling, U.S. Patent No. 4,341,451.

House, Nakai and Reidt discloses the claimed invention except for "a stand having a base and a pair of arms" with "each arm having a hole located therein for putting a bolt through" and "the stand having a hole in the base" for mounting the stand to a tripod.

Korling teaches that it is known to provide a camera mount with "a base"(see 20 of FIGS. 1 and 2) and "a pair of arms"(see 40a and 40B of FIGS. 1 and 2) with each arm having "a hole located therein for putting a bolt through"(see 89 of FIGS. 1 and 2)

Art Unit: 2851

and "the stand having a hole in the base" for mounting the stand to a tripod (see 22 and 46 of FIGS. 1 and 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the motion detector camera of the combined House, Nakai, and Reidt references with a stand of the above mentioned features of the Korling reference, since camera stands and different features of camera stands are well known in the art.

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over House et al., U.S. Patent No. 5,878,283 in view of Nakai et al., U.S. Patent No. 5,666,582, Reidt et al., U.S. Patent No. D439,591, and Scerbo, III, U.S. Patent No. 5,400,158.

House, Nakai, and Reidt disclose the claimed invention except for "a light attached to the housing for indicating a low power supply".

Scerbo, III teaches that it is known to provide "a light"(see 21 of FIG. 1) that "comes on when the battery-power is at a predetermined level deemed to be sufficiently low..."(see col. 8, lines 31-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the motion detector camera of the combined House, Nakai, and Reidt references with a light that comes on when the battery power is low, since a light to indicate a low battery or power supply or source is well known in the art.

Art Unit: 2851

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over House et al., U.S. Patent No. 5,878,283 in view of Nakai et al., U.S. Patent No. 5,666,582, Reidt et al., U.S. Patent No. D439,591, and Rydelek, U.S. Patent No. 5,729,769.

House, Nakai, and Reidt discloses the claimed invention except for a housing that has "a clear plastic shell".

Rydelek teaches that it is known to provide "transparent-plastic front and rear casing parts"(see 22 and 24 of FIG. 3) to contain "a camera unit"(see 14, 16, and 18 of FIG. 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the motion detector camera of the combined House, Nakai, and Reidt references with transparent-plastic front and rear casing parts, since cameras with transparent-plastic front and rear casing parts are well known in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rochelle Blackman whose telephone number is (703) 308-2879. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russell Adams can be reached on (703) 308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

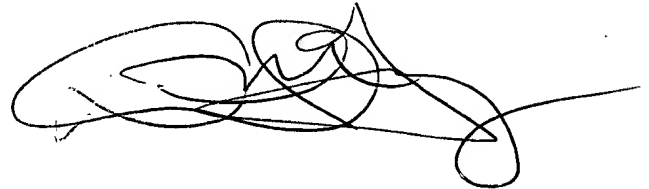
Application/Control Number: 09/757,803

Page 6

Art Unit: 2851

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

RB
February 18, 2002

A handwritten signature in black ink, appearing to read 'D. M. Gray', with a long horizontal line extending to the right.

**DAVID M. GRAY
PRIMARY EXAMINER**